

Message Text

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ACTION ARA-10

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FM AMEMBASSY BUENOS AIRES

TO SECSTATE WASHDC IMMEDIATE 5480

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AMEMBASSY CARACAS IMMEDIATE

NEW YORK REGIONAL OFFICE IMMEDIATE

C O N F I D E N T I A L BUENOS AIRES 2883

E.O. 11652: GDS

TAGS: SNAR, AR

SUBJECT: MEETING WITH MINISTER OF INTERIOR ON NARCOTICS FUGITIVES

IN ARGENTINA (CCX GFZB-75-8023, FUGITIVES)

HQTS/EOIL/ANTONELLI; EMBASSY/DEA; NEW YORK/ GROUP 43

REFTEL: BUENOS AIRES 2639 DTD 4-22-76

1. ON 4-29-76, AMBASSADOR, DCM, LEGAL ATTACHE, RSO, DEPT ASST. LEGAL ADVISOR FIELDS, AND DEA SAIC MET WITH MINISTER OF INTERIOR, BRIGADIER GENERAL ALBANO EDUARDO HARGUINDEGUY RE ABOVE SUBJECT. FOLLOWING BRIEF INTRODUCTIONS, THE AMBASSADOR ADVISED MINISTER OF PRIORITY WHICH USG PLACES ON COMBATTING INTERNATIONAL NARCOTIC TRAFFICKING. THE AMBASSADOR STATED THAT DUE TO A VARIETY OF LEGAL PROBLEMS AS WELL AS A LACK OF COOPERATION BY THE PREVIOUS ARGENTINE ADMINISTRATION, ARGENTINA HAD BECOME A SAFEHAVEN FOR NUMEROUS MAJOR NARCOTICS TRAFFICKERS PRESENTLY UNDER INDICTMENT IN THE US FOR VIOLATION OF US NARCOTIC LAWS. THE AMBASSADOR CONTINUED STATING THAT FIVE OF THESE NARCOTICS VIOLATORS WERE CONSIDERED BY THE USG TO BE OF PRIME IMPORTANCE IN IMMOBILIZING THIS MAJOR TRAFFICKING NETWORK. THEY WERE IDENTIFIED AS FRANCOIS CHIAPPE, ARMANDO NICOLAI, YOLANDA SARMIENTO, MIGUEL RUSSO, AND VICENTE CACHO
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OTERO. THEIR IMMEDIATE EXPULSION WAS URGED.

2. THE MINISTER STATED THAT HE WAS AWARE OF THE PROBLEM AND FAMILIAR WITH THE INDIVIDUALS CONCERNED. HE TOLD THE AMBASSADOR THAT IT WOULD BE "CRIMINAL" FOR THE ARGENTINE GOVERNMENT NOT TO COOPERATE IN THIS IMPORTANT INTERNATIONAL EFFORT. THE MINISTER STATED, HOWEVER, THAT HE WANTED TO LOOK INTO THE LEGAL RAMIFICATIONS OF THE AMBASSADOR'S REQUEST. HE STATED THAT INASMUCH AS TWO OF THE INDIVIDUALS WERE ARGENTINE CITIZENS THAT THIS WOULD PRESENT SOME DIFFICULTIES BUT HE WANTED TO CONSIDER THE ISSUE FURTHER WITH LEGAL AUTHORITIES. THE MINISTER NOTED THAT THERE HAD BEEN PREVIOUS EXTRADITION REQUESTS FOR MOST OF THESE INDIVIDUALS AND HE INQUIRED OF THE AMBASSADOR WHY EXTRADITION HAD NOT TAKEN PLACE FOR THESE INDIVIDUALS WHO WERE NOT ARGENTINE NATIONALS. AMBASSADOR ASKED FIELDS TO REPLY TO MINISTER'S INQUIRY AND FIELDS STATED THAT THERE HAD BEEN A DIFFERENCE IN THE INTERPRETATION OF THE CRIME OF CONSPIRACY IN THE INTERPRETATION OF THE 1972 US/ARGENTINE EXTRADITION TREATY. FIELDS INDICATED THAT A STATE/JUSTICE TEAM FROM WASHINGTON HAD MET WITH REPRESENTATIVES OF FORMER ARGENTINE GOVERNMENT TO RESOLVE THIS INTERPRETATION DIFFERENCE; HOWEVER, THE STATUS OF THE AGREEMENT REACHED DURING THIS MEETING WAS UNCLEAR AND AS FAR AS FIELDS KNEW, THERE WOULD APPEAR TO CONTINUE TO BE A PROBLEM UNTIL THE ARGENTINE GOVERNMENT CONCLUDED THAT CONSPIRACY TO VIOLATE NARCOTICS LAWS WAS CONFIRMED UNDER THE TREATY. THE MINISTER SAID THAT HE WOULD ALSO LOOK INTO THIS MATTER IN CONSIDERING HIS ACTION WITH RESPECT TO THESE FUGITIVES.

3. THE MINISTER INQUIRED OF THE AMBASSADOR THAT IF THESE TRAFFICKERS WERE TO BE DELIVERED TO US AGENTS FOR TRANSPORTATION TO THE US, WOULD THE USG HAVE LEGAL DIFFICULTIES IN SUBSEQUENT PROSECUTIONS. FIELDS RESPONDED THAT SUCH AN ACT WOULD BE WITHIN THE SOVEREIGN AUTHORITY OF GOA, ABSENT DIRECT INVOLVEMENT BY USG, ITS OFFICERS OR EMPLOYEES, WOULD NOT DEPRIVE US COURTS OF JURISDICTION TO TRY DEFENDANTS SENT TO THE US UNDER SUCH CIRCUMSTANCES. THE MINISTER TOLD THE AMBASSADOR THAT HE INTENDED TO PRESENT HIS PROBLEM TO A MEETING OF THE CABINET SCHEDULED FOR FRIDAY MORNING, APRIL 30, 1976 AND THAT HE WOULD REQUEST THE CABINET AUTHORITIES TO GRANT HIM FULL AUTHORITY TO ACT FOR THE GOVERNMENT IN CONFIDENTIAL

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THE MATTER OF THIS REQUEST. HE STATED THAT IF GIVEN SUCH AUTHORITY, HE WOULD MOVE QUICKLY TOWARD A PROMPT RESOLUTION OF THE MATTER AND WOULD BE AS RESPONSIVE TO THE AMBASSADOR'S REQUEST AS POSSIBLE. IN THE INTERIM, HE SUGGESTED THAT INFORMAL LIAISON CONTINUE BETWEEN HIS AIDES AND MEMBERS OF EMBASSY STAFF.

4. HE ASKED THE AMBASSADOR TO ESTABLISH AN EMBASSY POINT

OF CONTACT FOR FURTHER DISCUSSION ON THIS MATTER. THE AMBASSADOR REPLIED THAT HE WISHED TO BE PERSONALLY INVOLVED AND THUS DESIGNATED HIMSELF, LEGAL ATTACHE, AND DEA SAIC.

5. THE MINISTER REQUESTED THAT A SECOND MEETING BE HELD AT 6:00 P.M. ON TUESDAY, MAY 4, 1976 WITH OFFICERS OF AMBASSADOR'S CHOICE SO THERE COULD BE FURTHER DISCUSSION OF THE ISSUE, INCLUDING ANY LEGAL DIFFICULTIES WHICH MIGHT ATTEND ARGENTINE ACTION ON THE US REQUEST. HE ASKED IF FIELDS WOULD BE ABLE TO ATTEND THIS SUBSEQUENT MEETING AND THE AMBASSADOR REPLIED THAT IN VIEW OF ITS IMPORTANCE, HE FELT CERTAIN THAT FIELDS WOULD REMAIN IN BUENOS AIRES TO ASSIST IN WHATEVER CAPACITY POSSIBLE. THE AMBASSADOR THANKED THE MINISTER FOR HIS PERSONAL ATTENTION TO THIS IMPORTANT ISSUE AND FOR THE COOPERATION WHICH THE ARGENTINE GOVERNMENT HAS GIVEN AND WILL CONTINUE TO GIVE IN THE INTERNATIONAL EFFORT TO HALT INTERNATIONAL TRAFFICKING IN NARCOTICS.
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